

Fish and Wildlife Habitat Conservation Areas Update Change Tracking – Final BOCC Adoption

BOCC Requested Changes		
Change Number	Description	Modified Code or Policy Sections
1.	Develop “findings of fact” expressing legislative intent that: a) Explain County’s position with respect to rare plants, prairies, and Western Toad b) Support need for agriculture in Island County and County’s desire to balance agricultural production with environmental protection	Drafted “findings of fact” and ordinance language to reflect the intent and position of the Island County Board of Commissioners.
2.	Rework applicable code sections to clarify exemptions for “existing and on-going agricultural activities”.	17.02B.300.A, 17.02B.300.A.3, 17.02B.300.A (exemption #1), and 17.02B.420.B
3.	Modify exemption number one in the exemption table to clarify agricultural exemption for existing and on-going agricultural activities and modify first and last bullet points to more clearly articulate requirements for work in regulated streams.	17.02B.300.A (exemption #1)
4.	Include reference to NRCS standards in BMP, BSA, and mitigation standards. Also, modify restoration standards to accommodate reoccurring work in regulated streams that are also part of an agricultural drainage system.	17.02B.060.D, 17.02B.300.B.1, and 17.02B.410.B.7
5.	Include an exemption for Beaver and Beaver dam removal.	17.02B.300.A (exemption #15)
6.	Include a provision authorizing the issuance of “programmatic” or multi-year permits for reoccurring work in regulated streams that are also part of an agricultural drainage system.	17.02B.310.C.7
7.	Revert to five year standard for maintaining an existing and on-going agricultural activity. This change will reverse the Planning Commission’s recommendation to use a 6.5 year period.	17.02B.060.B and 17.02B.300.A (exemption #1)
8.	Include restrictions on “Throughput Transmission Facilities” (oil and gas pipelines) consistent with the restrictions in Chapters 17.02A and 17.03 ICC.	17.02B.300.A (exemption #6) and added 17.02B.310.C.3 (i), (h), 17.02B.320.F, and 17.02B.310.C.4
9.	Replace reference to “December 1, 1998” date in ICC 17.02B.060.B with more general phrase “legally existing”.	17.02B.060.B

10.	Modify restoration and mitigation sections to allow impacts resulting from work in regulated streams that are also agricultural drainage facilities to be mitigated through the application of NRCS standards or other similar standards.	17.02B.420.B
11.	Modify introductory statement in ICC 17.02B.300.A to delete reference to subsections “B” & “C” (standard environmental protection criteria and exemption threshold criteria). Listed exemptions are presumed to be consistent with these criteria and criteria should be used to evaluate unlisted activities for exempt status.	17.02B.300.A
Other Changes		
Change Type	Description	Modified Code or Policy Sections
Comprehensive Plan, typographical error	The list of maps on page 1-5 of the Land Use Element has been amended to adjust the text indent following the reference to “Map J”.	Land Use Element, page 1-5
Comprehensive Plan, typographical error	The word “habitats” was misspelled throughout the Land Use Element, this misspelling has been corrected.	Land Use Element, General Land Use Policies, Fish & Wildlife Habitat Conservation Areas Overlay, page 1-140 and 1-141
Comprehensive Plan, change to address public comment from July 28, 2014 BOCC hearing	Policy “B” in the Fish and Wildlife overlay section has been amended to include the word “identify” based on public comment.	Land use Element, General Land Use Policies, Fish & Wildlife Habitat Conservation Areas Overlay, Policy “B”
Code, format, consistency and language	During the code development process Island County used both the term “watercourse” and the term “stream”. In order to reduce confusion the term “watercourse” was deleted and the word “stream” was intended to be used in its place; however this change was not made throughout the code. In order to address this oversight, in every instance where “watercourse” appears it has been replaced with the word “stream”.	17.02.B.060.B, 17.02B.060.O, 17.02B.060.BB, 17.02B.300.A (exemption #4), 17.02B.300.A (exemption #10), and 17.02B.300.A (exemption #11)
Code, typographical error	The incorrect format for citing Island County Code was used in the Exempt Activities section. This section has been amended to use the correct citation format.	17.02B.300.A.1
Code, format, language and consistency	The phrase “Maintenance or Repair” is defined in ICC 17.02B.060, in some place this phrase is incorrectly written as Maintenance <i>and</i> Repair. In order to ensure consistency with the definitions section this phrase has been corrected everywhere it appears in the code.	17.02B.300.A (exemption #1), 17.02B.300.A (exemption #4), 17.02B.300.A (exemption #6), 17.02B.300.A (exemption #7), 17.02B.300.A (exemption #11), 17.02B.300.A (exemption #12), and 17.02B.300.A (exemption #13)
Code, format, language and consistency	In Island County Code defined terms are always capitalized. The term “critical area” was not	ICC 17.02B.300.A (exemption #7)

	capitalized in several sections and this error has been corrected.	
Code, intent and enforceability	In several instances the word “legally” has been inserted before the word “existing” in order to ensure that developments which were not legally established are not granted exempt status.	17.02B.300.A (exemption #1), and 17.02B.300.A (exemption #10)
Code, format, language and consistency	In Island County Code defined terms are always capitalized. The term “existing” was not capitalized in the exemptions section and this error has been corrected.	17.02.B.300.A (exemption #10)
Code, intent and enforceability	The protection standards section contains a statement referring readers to other sections which identify activities which may occur in buffers, a section which lists permitted activities was omitted from this section and this error has been corrected.	17.02B.420.B
Code, intent and enforceability	During the Planning Commission review process buffer averaging and reduction provisions that were part of the original staff/TAG draft were deleted; however, a reference to these provisions was inadvertently left in the code and this reference has been deleted.	17.02B.420.C
Code, typographical error	The word “a” was used twice	17.02B.450.D.1
Code, format, language and consistency	The definitions section contains a definition of the word “development”. As originally proposed this definition was inclusive of “shoreline substantial development” (as defined in 17.05); however the rest of the definition is consistent with “shoreline development” which is a broader term. Staff recommends that this definition be changed to reference both development and substantial development.	17.02B.060.K
Code, intent and enforceability	The phrase “permit conditions” has been added to exemption 13 in order to ensure that areas which are required to remain in a natural state through permit conditions are not cleared through an exemption process.	17.02B.300.A (exemption #13)
Code, intent and enforceability	Added two subsections to ICC 17.02B.300.C to further clarify that activities which are listed as permitted alterations in ICC 17.02B.310 cannot also be considered exempt activities, and to ensure that any activity permitted through an exemption authorization process is fundamentally similar to other listed exempt activities.	17.02B.300.C.2.f & g (new sections)
Code, typographical error	Capitalized “development”	17.02B.300.A.2

